



Practitioner's Docket No. 46910-DIV2 CPA (46590)
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Y. Hayashi, et al.
Application No.: 09/499,765 Group No.: 1644
Filed: February 8, 2000 Examiner: Nolan, P.
For: COMPOSITION CONTAINING α -FODRIN OR α -FODRIN FRAGMENT
PROTEIN

Mail Stop: Official Draftsperson
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF FORMAL DRAWINGS

In response to the NOTICE OF INFORMAL DRAWINGS mailed on July 6, 2000,
date

attached please find:

(a) the formal drawing(s) for this application.

Number of Sheets 4

NOTE: "Identifying indicia, if provided, should include the application number or the title of the invention, inventor's name, docket number (if any), and the name and telephone number of a person to call if the Office is unable to match the

CERTIFICATE OF MAILING (37 C.F.R. SECTION 1.8(a))

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the united States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Kathryn A. Grindrod
(type or print name of person mailing paper)

Date: December 11, 2003

Kathryn A. Grindrod
Signature of person mailing paper

WARNING: "Facsimile transmissions are not permitted and if submitted will not be accorded a date of receipt" for "(4) Drawings submitted under sections 1.81, 1.83 through 1.85, 1.152, 1.165, 1.174, 1.437...." 37 C.F.R. section 1.6(d)(4).

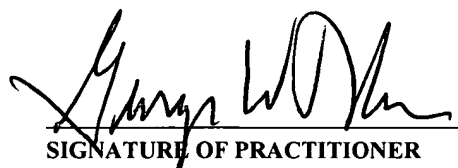
drawings to the proper application. This information should be placed on the back of each sheet of drawings a minimum distance of 1.5 cm. (5/8 inch) down from the top of the page. In addition, a reference to the application number, or, if an application number has not been assigned, the inventor's name, may be included in the left-hand corner, provided that the reference appears within 1.5 cm (9/16 inch) from the top of the sheet" (37 C. F. R. Section 1.84(c)).

[X] Each sheet of drawing indicates the identifying indicia suggested in section 1.84(c) on the reverse side of the drawing.

(b) a copy of the NOTICE OF DRAFTPERSON'S PATENT DRAWING REVIEW.

(c) a copy of the NOTICE OF ALLOWABILITY mailed September 26, 2003.

Date: December 11, 2003


SIGNATURE OF PRACTITIONER

Reg. No. 29,964

George W. Neuner
(type or print name of practitioner)
Attorney for Applicant

Tel. No.: (617) 439-4444

Edwards & Angell, LLP
P.O. Box 9169
P.O. Address

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357823

NOTICE OF DRAFTPERSON'S PATENT DRAWING REVIEW

COPY

The drawing filed (insert date) 2-6-00 are:

A not objected to by the Draftperson under 37 CFR 1.84 or 1.152.

B objected to by the Draftperson under 37 CFR 1.84 or 1.152 as indicated below. The Examiner will require submission of new, corrected drawings where necessary. Corrected drawings must be submitted according to the instructions on the back of this notice.

1. DRAWINGS. 37 CFR 1.84(a): Acceptable categories of drawings:

Black ink. Color.

 Color drawing are not acceptable until petition is granted.

Fig(s)

 Pencil and non black ink is not permitted. Fig(s)

2. PHOTOGRAPHS. 37 CFR 1.84(b)

 Photographs are not acceptable until petition is granted,

 3 full-tone sets are required. Fig(s)

 Photographs not properly mounted (must bryistol board or photographic double-weight paper). Fig(s)

 Poor quality (half-tone). Fig(s)

3. TYPE OF PAPER. 37 CFR 1.84(e)

 Paper not flexible, strong, white and durable.

Fig(s)

 Erasures, alterations, overwritings, interlineations, folds, copy machine marks not acceptable. (too thin)

 Mylar, vellum paper is not acceptable (too thin).

Fig(s)

4. SIZE OF PAPER. 37 CFR 1.84(f): Acceptable sizes:

 21.0 cm by 29.7 cm (DIN size A4)

 21.6 cm by 27.9 cm (8 1/2 x 11 inches)

 All drawings sheets not the same size.

Sheet(s)

5. MARGINS. 37 CFR 1.84(g): Acceptable margins:

Top 2.5 cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm

SIZE: A4 Size

Top 2.5 cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm

SIZE: 8 1/2 x 11

 Margins not acceptable. Fig(s)

Top (T) Left (L)

Right (R) Bottom (B)

6. VIEWS. CFR 1.84(h)

REMINDER: Specification may require revision to correspond to drawing changes.

 Views connected by projection lines or lead lines.

Fig(s)

Partial views. 37 CFR 1.84(h)(2)

 Brackets needed to show figure as one entity.

Fig(s)

 Views not labeled separately or properly.

Fig(s)

 Enlarged view not labeled separately or properly.

Fig(s)

7. SECTIONAL VIEWS. 37 CFR 1.84(h)(3)

 Hatching not indicated for sectional portions of an object.

Fig(s)

 Sectional designation should be noted with Arabic or

Roman numbers. Fig(s)

8. ARRANGEMENT OF VIEWS. 37 CFR 1.84(i)

 Words do not appear on a horizontal, left-to-right fashion when page is either upright or turned, so that the top becomes the right side, except for graphs. Fig(s)

 Views not on the same plane on drawing sheet. Fig(s)

9. SCALE. 37 CFR 1.84(k)

 Scale not large enough to show mechanism with crowding when drawing is reduced in size to two-thirds in reproduction.

Fig(s)

10. CHARACTER OF LINES, NUMBERS, & LETTERS. 37 CFR 1.84(l)

 Lines, numbers & letters not uniformly thick and well defined, clean, durable and black (poor line quality).

Fig(s)

11. SHADING. 37 CFR 1.84(m)

 Solid black areas pale. Fig(s)

 Solid black shading not permitted. Fig(s)

 Shade lines, pale, rough and blurred. Fig(s)

12. NUMBERS, LETTERS, & REFERENCE CHARACTERS. 37 CFR 1.48(p)

 Numbers and reference characters not plain and legible.

Fig(s)

 Figure legends are poor. Fig(s)

 Numbers and reference characters not oriented in the same

direction as the view. 37 CFR 1.84(p)(3). Fig(s)

 English alphabet not used. 37 CFR 1.84(p)(3). Fig(s)

 Numbers, letters and reference characters must be at least

32 cm (1/8 inch) in height. 37 CFR 1.84(p)(3). Fig(s)

13. LEAD LINES. 37 CFR 1.84(q)

 Lead lines cross each other. Fig(s)

 Lead lines missing. Fig(s)

14. NUMBERING OF SHEETS OF DRAWINGS. 37 CFR 1.48(i)

 Sheets not numbered consecutively, and in Ababic numerals beginning with number 1. Fig(s)

15. NUMBERING OF VIEWS. 37 CFR 1.84(u)

 Views not numbered consecutively, and in Ababic numerals, beginning with number 1. Fig(s)

16. CORRECTIONS. 37 CFR 1.84(w)

 Corrections not made from PTO-948 dated

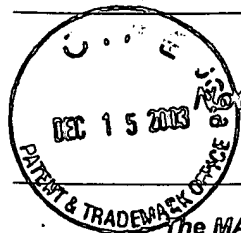
17. DESIGN DRAWINGS. 37 CFR 1.152

 Surface shading shown not appropriate. Fig(s)

 Solid black shading not used for color contrast.

Fig(s)

COMMENTS



Notice of Allowability

Application N .

COPY

Applicant(s)

09/499,765

HAYASHI ET AL.

Examiner

Art Unit

Patrick J. Nolan

1644

The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicant's after-final received 8-11-03.
2. ☒ The allowed claim(s) is/are 14 and 26.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 08/736,434.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☒ CORRECTED DRAWINGS must be submitted.
 - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☒ to Paper No. 4.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892) | 2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 4 <input checked="" type="checkbox"/> Interview Summary (PTO-413), Paper No. <u>0903</u> |
| 5 <input type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. _____ | 6 <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other |

Art Unit: 1644

COPY

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with George Neuner on 9-17-03.

In the specification:

2. On page 1, line 8 in the continuity data, after "08/736,434" insert --now abandoned--.
3. On page 3, line 31, after "Leu" insert --SEQ ID NO:1--.
5. On page 4, line 19, after "Leu" insert --SEQ ID NO: 1--.
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick Nolan whose telephone number is (703) 305-1987. The examiner can normally be reached on Monday through Thursday from 9:30 am to 4:30 pm.
7. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Christina Chan, can be reached at (703) 305-3973. The FAX number for our group, 1644, is (703) 872-9306. Any inquiry of a general nature relating to the status of this application or proceeding should be directed to the Group receptionist, whose telephone number is (703) 308-0196.



Patrick J. Nolan, Ph.D.
Primary Examiner, Group 1640
9/17/03

PATRICK J. NOLAN, PH.D.
PRIMARY EXAMINER



Interview Summary

Application No.

09/499,765

COPY

Applicant(s)

YAYASHI ET AL.

Examiner

Patrick J. Nolan

Art Unit

1644

All participants (applicant, applicant's representative, PTO personnel):

(1) Patrick J. Nolan.

(3) _____.

(2) George Neuner.

(4) _____.

Date of Interview: 17 September 2003.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.

If Yes, brief description: _____.

Claim(s) discussed: n/a.

Identification of prior art discussed: n/a.

Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicant agreed to an EWxaminer's Amendment to insert SEQ ID NOS in the specification.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required

Summary of Record of Interview Requirements

COPY

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.